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Lead contamination along Raritan Bay

Plan for Old Bridge boardwalk is postponed

Thursday, August 16, 2007

BY DIANE C. WALSH
Star-Ledger Staff

The proposal to connect the boardwalks that extend along the Raritan Bay in Old Bridge has been postponed indefinitely after lead contamination was found along the Margaret's Creek and Laurence Harbor areas during recent tests, officials said yesterday.

Old Bridge Mayor James Phillips said concentrations of the hazardous metal were found by investigators from the state Department of Environmental Protection when they did soil tests in the spring. In some areas, the lead levels were more than 200 times greater than the acceptable standards for a residential area, reports showed.

Until the extent of the contamination is known and a cleanup is finished, Phillips said, it would be foolhardy to push forward with the plans to build a boardwalk in the Cliffwood Beach section of town to connect with the walkways that exist in Laurence Harbor and Whale Creek.

"The cleanup could change the dimensions of the project and it could change where the boardwalk would be," Phillips said.

Warning signs were posted along the waterfront. Phillips said, however, there is no danger to walk in the area and air quality tests showed no pollution. He said the lead could be ingested and pose a health risk if children picked up fragments, known as "slag," and touched their mouths with their hands.

One Cliffwood Beach homeowner opposed to the boardwalk, Rainer Rothacker, said he hopes the delay will kill the project.

"It could take a few years, but I don't think they'll give up," he said, adding he believed erosion may force the township to abandon the plans entirely.

DEP officials said the contamination was traced to Texas-based NL Industries, which operated the former National Lead paint pigment manufacturing plant in Sayreville and a refining operation in Perth Amboy.

A letter dated Dec. 7, 1972, from NL to the state DEP said lead residue from the blast furnaces for the Perth Amboy facility was disposed of in Old Bridge. The slag was hauled away by Liberty Trucking Co. to its property off Route 35 in Old Bridge.

But Liberty Trucking Co. is now defunct, according to Ed Putnam, the DEP assistant director of remedial response. He has already contacted NL officials and put them on notice that the company would be held responsible for the costs of the test and cleanup.

"We expect them to step up and take over the case," Putnam said. He said, however, it would be premature to discuss how the cleanup would be done until all of the testing is finished. Putnam said investigators must determine whether the contamination has spread and if it has affected the marine life.

NL executives are expected to meet with DEP officials next month once the tests have been completed. Chris Gibson, an attorney representing NL, said the company "would be happy to meet and discuss ways to figure out what is the scope of the problem." Gibson said NL has no records of disposing of the slag in Old Bridge.

Phillips asked the county freeholders to have Robert Gluck, the county's environmental prosecutor, preview the matter. The county has a stake in the matter because it spent \$5 million from the open space trust to develop the parks along the Raritan Bay.

"I want to make sure the responsible parties pay," Phillips said. He noted NL closed its Sayreville plant more than 20 years ago and the land remains contaminated. Middlesex County is now embroiled in a complex condemnation case to acquire the NL property in Sayreville. As part of the case, the county has reserved \$33 million to cover the cleanup.

"I want to make sure none of that \$33 million is paid until my beachfront is cleaned up," Phillips said.

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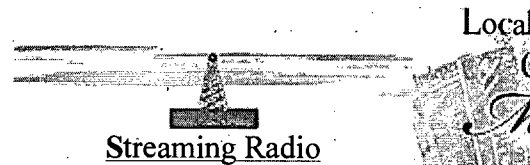
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Town must remove dirt it moved onto wetlands

Fill was placed near creek, site of unrelated lead contamination
BY JESSICA SMITH Staff Writer

OLD BRIDGE - The dirt once dished out by the township on a wetlands area is slated for removal.

Though the state Department of Environmental Protection (DEP) is requiring the town to clean up the dirt which was unknowingly placed on the wetlands in Laurence Harbor, the stockpiled material is in no way hazardous, according to township officials.

"It was inadvertently placed there, and we have to remove it," Mayor Jim Phillips said.

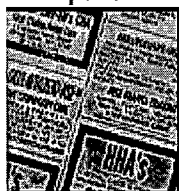
The town's Public Works Department stored the fill, which contains dirt, concrete and some asphalt, according to Township Business Administrator Mike Jacobs, back in 2003. The location where the materials were placed on the township owned land was initially not an issue, but when a road department worker leveled the pile, it encroached on about a half-acre of wetlands.

Once a swamp about 40 years ago, the approximately 60-acre Margaret's Creek area where the dirt was placed extends from between Laurence Harbor and Cliffwood Beach to the Raritan Bay.

In 2005, residents in the area approached the Township Council with concerns about the material there, saying the dirt was oozing a white, frothy substance. After testing by the Old Bridge Municipal Utilities Authority (MUA), the fill was deemed clear of contamination. Nevertheless, due to where it was placed, removal was required by the DEP.

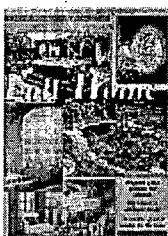
Neither Jacobs nor Phillips could identify the white substance residents had seen, but both said the testing was thorough and conclusive.

Two years after the DEP directive, the misplaced stockpile still occupies its original position. The agreement between Old Bridge and the DEP states that the township will not remove the materials until after other contamination there is remediated, officials said.



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"This is being treated as a coordinated response," DEP spokesman Larry Hajna said.

Nearby, along Margaret's Creek, tests performed last year revealed unusually high levels of lead contamination. The tests were conducted by the DEP after discussions with the township about the state possibly purchasing the land for open space.

Phillips said at the time that the area of contamination, just east of Route 35, is relatively isolated and therefore should not be cause of panic for residents. There is, however, an abundance of wildlife there, he said.

By August, the DEP had traced the lead contamination to three companies. The parties named by the DEI were NL (formerly National Lead) Industries, Twin Anchors Marine Basin and Liberty Trucking Co. Though NL Industries produced the lead in question, the other two companies were implicated because of their involvement in the disposal of the lead. According to DEP documents, Liberty Trucking dumped the lead at the Margaret's Creek/Laurence Harbor seawall site, which was owned by Twin Anchors Marine Basin from the early 1960s to the mid-1980s.

A letter written by James Cullen of National Lead to the DEP in 1972 states that materials from the company's plant were taken to a property in Madison Township (now Old Bridge) for disposal.

"They were aware of what it was, and they were aware of where it was going," Phillips said.

Liberty Trucking and Twin Anchors dissolved as companies, in 2005 and 1989, respectively. NL Industries is still in business, though it no longer operates its factory in Sayreville.

According to Hajna, NL Industries is being held responsible for cleanup of the site.

"At this point, NL argues that there are additional responsible parties," Hajna said.

The DEP has given NL some additional time to track down the other parties believed to be responsible, Hajna said. NL is expected to present its information to the DEP within a couple of weeks.

Though the lead contamination dwarfs the issue of clean fill placed on wetlands, the township is nonetheless charged with removal of the stockpile. Jacobs said that is unlikely to happen anytime soon, as NL is still negotiating with the DEP over its responsibility.

According to Jacobs, the DEP turned down a previous proposal by the township to leave the dirt at the site and place birdhouses there. Phillips said it is possible that the dirt could be used in the remediation of the area contaminated by lead.

Removal costs have yet to be determined, Jacobs said.